

MESSAGE NO: 7167304 MESSAGE DATE: 06/16/2017

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 7165303
MESSAGE #
(s):

CASE #(s): A-520-804

EFFECTIVE DATE: 04/28/2017 COURT CASE #: 12-00133

PERIOD OF REVIEW: 05/01/2014 TO 04/30/2015

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain steel nails from the United Arab Emirates produced and/or exported by Precision Fasteners LLC for the period 05/01/2014 through 04/30/2015 (A-520-804)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 01/27/2017, the U.S. Court of Appeals for the Federal Circuit (CAFC) issued a final decision in the case of Mid Continent Nail Corporation v. United States (CAFC court no. 2016-1426; CIT court no. 12-133). See message 7165303, dated 06/14/2017. As a result of this decision, certain entries which are subject to the antidumping duty order on certain steel nails from the United Arab Emirates (A-520-804) for the period 05/01/2014 through 04/30/2015 produced and/or exported by Precision Fasteners, LLC, may now be liquidated.

Also, as a result of this decision, CBP may now liquidate merchandise from the following producer/exporter combination which is excluded from the antidumping duty order on certain steel nails from the United Arab Emirates:

Producer: Precision Fasteners LLC

Exporter: Precision Fasteners LLC

Case Number: A-520-804-002

2. Accordingly, for all shipments of steel nails from the United Arab Emirates produced and exported by Precision Fasteners, LLC, (i.e., the producer/exporter combination identified above) and entered, or withdrawn from warehouse, for consumption during the period 05/01/2014 through 04/30/2015 liquidate without regard to antidumping duties (i.e., release all bonds and refund all cash deposits).

3. Shipments of steel nails from the United Arab Emirates that were produced by Precision Fasteners, LLC and exported by another company, or produced by another company and exported by Precision Fasteners, LLC, are not subject to the exclusion from the antidumping duty order. Accordingly, entries of such merchandise should be liquidated in accordance with the

instructions below:

- A. For all shipments of certain steel nails from the United Arab Emirates produced by Precision Fasteners, LLC and exported by another company, entered under case number A-520-804-002, that were entered, or withdrawn from warehouse, for consumption during the period 05/01/2014 through 04/30/2015, liquidate in accordance with message 6309314, dated 11/04/2016 (i.e., assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate in effect during that period was 4.30 percent).
- B. For all shipments of certain steel nails from the United Arab Emirates produced by Precision Fasteners, LLC and exported by another company, and entered, or withdrawn from warehouse, for consumption during the period 05/01/2014 through 04/30/2015, but not entered under case number A-520-804-002, liquidate in accordance with the instructions issued for the exporter.
- C. For all shipments of certain steel nails from the United Arab Emirates exported by Precision Fasteners LLC but not produced by Precision Fasteners LLC, entered, or withdrawn from warehouse, for consumption during the period 05/01/2014 through 04/30/2015, liquidate at the all others rate of 4.30 percent.
4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and, 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of certain steel nails from the United Arab Emirates you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.
5. There are no injunctions applicable to the entries covered by this instruction.
6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
7. Upon assessment of antidumping duties, CBP shall require that the importer provide a
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reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI:MR.)

9. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party